

Remarks

Claims 1-5 are currently pending in this application. Claims 1 and 5 independent.

Claims 1 and 5 has been amended recite that the sleeve projects forwardly from the open end of the pouch. Support for this amendment can be found at page 3 lines 5 to 8 of the international application as published.

A. Rejections Under 35 U.S.C. §§ 112 and 103

The rejection based on 112 relates to the Examiner's interpretation of the term "sleeve". The Examiner has suggested that the teaching of the application points to the sleeve simply being the open end of the pouch. This is not the case. The sleeve is not a continuation of the sleeve but is a distinct part which extends forwardly from the open end of the pouch (as is now claimed). Figure 2 of the present application illustrates this by reference to the crease lines under the rim sleeve which show the sleeve to be projecting forwardly (i.e, towards the eye of the user). When the flap is placed over the sleeve, the end of the forward projecting sleeve is closed thus preventing liquid from reaching the pouch. As previously stated in the Applicant's response filed on May 20, 2008 to the office action of February 20, 2008, this provides significant advantages over the device in Hall. Applicant hereby incorporates those arguments by reference herein and resubmits them.

B. The Rejection of Claims 1-2 under 35 U.S.C. § 103

The Office Action rejected claims 1-2 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Pub. No. 2002/0179647 by *Hall et al.* (hereafter "*Hall*"). The Office Action states that *Hall* discloses a portable fluid carrier, as recited in claim 1.

Applicant respectfully submits that *Hall* does not render amended Claim 1 obvious because *Hall* does not teach a portable flexible carrier that includes “an outer separable cover with a selectively sealable pouch to receive the flexible fluid container...; a sleeve provided at an open end of the selectively sealable pouch...” as recited in Claim 1.

Applicant respectfully submits that *Hall* does not teach or suggest “a sleeve provided at an open end of the selectively sealable pouch.” *Hall* discloses a hydration system 100 that has a bladder 110 which includes an inner bladder formed from heat sealing layers 520a and 520b together and an outer protective bladder formed from welding layers 510a and 510b together, as described in paragraph [0023] and shown in FIG. 5. The outer protective bladder has an opening, and the inner bladder has a corresponding opening that coincides with the opening of the outer bladder, as shown in Fig. 4. A spout 120 is placed around the opening of the outer bladder and the corresponding opening of the inner bladder. The spout 120 has an outer section 121 that is placed on the outside of the outer bladder and an inner section 124 that is placed inside the inner bladder, as shown in Fig. 4. Then, by screwing together the outer and inner sections 121 and 124 of the spout 120, the spout 120 catches the inner and outer bladders between the outer and inner sections 121 and 124, as described in paragraph [0027] and shown in Figs. 4, 7, and 9. There is no structure equivalent to or analogous to a sleeve near either opening of the inner or outer bladder. A sleeve at either opening would require additional material and offer no additional benefit. One skilled in the art would avoid wasteful use of extra material around the openings because it would increase manufacturing costs and impede the coupling of

the outer section 121 to the inner section 124. Therefore, *Hall* does not teach, suggest, or render obvious a sleeve near an open end.

Applicant also respectfully submits that the hydration system of *Hall* does not teach an outer separable cover “with a selectively sealable pouch to receive the flexible fluid container” and “a sleeve provided at an open end of the selectively sealable pouch.” The outer separable cover and sleeve of the present invention offer significant advantages over the device disclosed in *Hall*. The present invention can be used with any flexible fluid container, that is, any reservoir can be placed inside the pouch. By having an outer separable cover and sleeve, liquid does not come into contact with the pouch of the present invention. Also, in the event that the pouch is not contaminated during use, it can be re-used. Furthermore, if the outer separable cover is contaminated, the inner reservoir still remains intact and can be removed and re-used. There is no disclosure in *Hall* to teach or suggest modifying the device disclosed therein which comprises an inner fluid-containing bladder bonded to an outer protective bladder, to arrive at the present invention. The device disclosed in *Hall* does not suggest a selectively sealable pouch and sleeve which allow the flexible fluid container to be separated from the outer cover.

Therefore, Applicant respectfully submits that *Hall* does not render obvious Claim 1 and because Claim 1 is believed patentable, Applicant respectfully submits that Claim 2 which depends on Claim 1 is also patentable. Thus, Applicant requests reconsideration and withdrawal of the rejection of Claims 1-2 under 35 U.S.C. § 103(a) in view of *Hall*.